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7 *Attorneys for Defendants*
Isidro Baca, James Greg Cox, E.K. McDaniel,
8 *Brian Sandoval, Ronald Schreckengost, and Lisa Walsh*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 EDWARD SEELY,

12 Plaintiff,

13 vs.

14 ISIDRO BACA, RON SCHRECKENGOST,
LISA WALSH, E.K. MCDANIEL, GREG
15 COX, BRIAN SANDOVAL, ROSS MILLER,
CATHERINE CORTEZ-MASTO,

16 Defendants.

17 WILLIAM LYONS,

18 Plaintiff,

19 vs.

20 ISIDRO BACA, JAMES "GREG" COX, E. K.
MCDANIEL, BRIAN SANDOVAL, RONALD
21 SCHRECKENGOST, and LISA WALSH

22 Defendants.

Case No. 3:15-cv-00118-MMD-CBC
(Consolidated With Case No.
3:15-cv-00126-MMD-WGC)

JOINT STIPULATION TO CONTINUE
TRIAL

(Second Request)

23 Plaintiffs, Edward Seely and William Lyons (Plaintiffs), by and through counsel, Garrett T. Ogata,
24 Esq., and Defendants, Isidro Baca, James "Greg" Cox, E.K. McDaniel, Brian Sandoval (official capacity
25 only), Ronald Schreckengost, and Lisa Walsh (Defendants), by and through counsel, Aaron D. Ford,
26 Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, hereby stipulate and
27 agree to continue (second) the trial in this case and the associated dates established by the Court.
28

1 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*
2 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.
3 1992). A motion for a continuance of trial should be granted for good cause. FED. R. CIV. P. 16(b)(4).
4 “The determination of whether to grant a motion for trial continuance rests in the sound discretion of the
5 trial court.” *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).

6 The parties respectfully stipulate, agree, and request that the Court continue the trial and associated
7 dates in this case. Plaintiff’s counsel has a heavy criminal caseload to clear in the coming months.
8 Additionally, defense counsel has been alerted that Defendant/witness former Director James “Greg” Cox
9 is undergoing a medical procedure on May 9, 2019 that cannot be rescheduled, which would conflict with
10 the current trial setting.

11 Additionally, defense counsel is set to appear as co-counsel in another case set for trial in August,
12 *Gruber v. Gedney et al.*, 3:15-cv-00543-RCJ-CBC, to begin on Monday, August 12, 2019 before Senior
13 District Judge Robert C. Jones. *See id.* at ECF No. 134. The *Gruber* trial setting may be firm, because that
14 trial was moved once. *See id.* Because of this additional trial, the status of former Director James “Greg”
15 Cox, and Plaintiffs’ and defense counsel’s upcoming proceedings in other cases, Plaintiffs’ and defense
16 counsel conferred and agreed to continue this trial until at least late August or early September.

17 This request is not made for the purposes of undue delay and is brought in good faith. The Court
18 and parties will not be prejudiced by this request. The additional time will also allow the parties’ counsel
19 to meet and confer regarding pre-trial matters, to coordinate exhibits, and to facilitate a more effective trial.
20 Furthermore, there should be no known inconvenience to the Court or parties, or any witness as a result of
21 this request for a continuance (absent another unforeseen medical procedure). This will allow the parties
22 more time to prepare for trial, which will result in a more organized and efficient trial.

23 Furthermore, a continuance would grant the parties additional time to re-open settlement
24 negotiations and explore the possibilities for a settlement agreement prior to trial. The parties exchanged
25 an offer of judgment after the first continuance in this case. The parties will in good faith use additional
26 time to discuss possible ways to resolve this matter before trial.

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1 Accordingly, the parties assert that the requisite good cause is present to justify continuance
2 pursuant to FED. R. CIV. P. 16(b)(4). Therefore, the parties respectfully request that this Court continue
3 the trial in this case and the associated dates. The parties offer the following suggested trial dates:

- 4 1. The week beginning **August 26, 2019**;
5 2. The week beginning **September 2, 2019**.

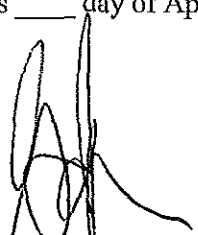
6 * * *

7 DATED this ____ day of April, 2019.


DATED this 3RD day of April, 2019.

8 AARON D. FORD
9 Attorney General

10 By:

11 
12 GARRETT T. OGATA, ESQ.
13 The Law Offices of Garrett T. Ogata
Attorney for Plaintiffs

By:


14 IAN CARR
15 Deputy Attorney General
16 Bureau of Litigation
17 Public Safety Division
18 Attorneys for Defendants

14 The calendar call set for 4/29/2019 at 1 pm is reset to August 19, 2019 at 1 pm. The jury trial
15 set for May 7, 2019 at 9 am is reset to August 27, 2019 at 9:00 AM. **No further**
16 **continuances will be granted.**

17 **IT IS SO ORDERED.**

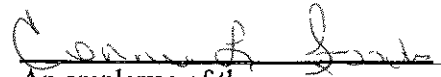
18 
19 U.S. DISTRICT JUDGE

20 DATED; April 3, 2019

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 2nd day of April, 2019, I caused a copy of the foregoing, **JOINT STIPULATION TO CONTINUE TRIAL**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Garrett T. Ogata, Esq.
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An employee of the
Office of the Attorney General